

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GABANA GULF DISTRIBUTION,

No. C-06-02584 CRB (EDL)

Plaintiff,

**ORDER GRANTING IN PART
MOTION TO COMPEL**

v.

GAP INTERNATIONAL SALES INC.,

Defendant.

Plaintiff's Motion to Compel came on for hearing on May 15, 2007, at 2:00 p.m. Plaintiff was represented by Shaudy Danaye-Elmi, of Howard Rice, and Defendant was represented by Dan Jackson, of Keker & Van Nest. After full consideration of the papers and for the reasons stated at the hearing, the Court hereby ORDERS as follows:

Plaintiff and Defendant are ordered to further meet and confer on the matters presented in the papers. Plaintiff's Requests are overbroad, as are Defendant's Objections. In narrowing both Requests and Objections, the parties shall be guided by the following rulings:

1. Documents and information related to competing retailers and distributors, including those who were not introduced to Defendant by Plaintiff, are relevant to the claims and defenses in the case.
2. Documents and information relating to the broader geographic region defined in the parties' Excess Inventory Agreement are not relevant to Plaintiff's damages claims. Discovery relating to the more narrow geographic region defined in the New Distributor Agreement is the only relevant geographic region for those claims.

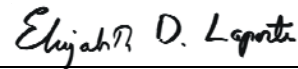
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1 3. Requests calling for all communications between Defendant and other retailers or
2 distributors are overbroad. Some communications are relevant to the claims and
3 defenses in the case, however. For example, communications between Defendant and
4 other retailers or distributors relating to initiating or committing to a relationship are
5 relevant, including such communications between Defendant and retailers or
6 distributors who were not introduced to Defendant by Plaintiff.

7 The motion is granted in part and denied in part without prejudice to Plaintiff seeking further
8 discovery relief on the topics at issue in the motion. By May 18, 2007, the parties are ordered to
9 agree to narrowed Requests and Objections in accordance with the foregoing. The parties shall
10 submit a joint status report to the Court no later than May 29, 2007 informing the Court whether any
11 further guidance is required on the matters presented in this Motion.

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13 **IT IS SO ORDERED.**

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16 Dated: May 16, 2007



ELIZABETH D. LAPORTE

United States Magistrate Judge